

109TH CONGRESS
2D SESSION

H. R. 4721

To require the Secretary of Health and Human Services to provide Federal Medicaid funding for State costs associated with ensuring access to prescription drug benefits to part D eligible individuals.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2006

Mr. EMANUEL (for himself and Ms. DELAURO) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To require the Secretary of Health and Human Services to provide Federal Medicaid funding for State costs associated with ensuring access to prescription drug benefits to part D eligible individuals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FEDERAL MEDICAID FUNDING FOR STATE**
4 **COSTS INCURRED TO ENSURE PRESCRIPTION**
5 **DRUG ACCESS.**

6 (a) REIMBURSEMENT OF COSTS.—Notwithstanding
7 section 1935(d)(1) of the Social Security Act (42 U.S.C.
8 1396u-5(d)(1)), the Secretary of Health and Human Serv-

1 ices shall make available to a State under section 1903(a)
2 of such Act (42 U.S.C. 1396b(a)) Federal financial par-
3 ticipation with respect to costs, including administrative
4 costs, incurred by such State (as reported by the State)
5 on or after January 1, 2006—

6 (1) for medical assistance for covered part D
7 drugs for full-benefit dual eligible individuals who
8 are enrolled under a prescription drug plan under
9 part D of title XVIII of such Act (or an MA–PD
10 plan under part C of such title) but who were not
11 reasonably able to access on a timely basis prescrip-
12 tion drug benefits to which they were entitled under
13 such part; and

14 (2) which the State reasonably expected would
15 have been covered under such part.

16 (b) RECOVERY OF REIMBURSEMENT AMOUNTS FROM
17 PLANS.—The Secretary of Health and Human Services
18 shall provide for the recovery of the amount of Federal
19 financial participation made available to States under sub-
20 section (a) from prescription drug plans under part D of
21 title XVIII of the Social Security Act (and MA–PD plans
22 under part C of such title) if the Secretary determines
23 that such plans should have incurred such costs. Amounts
24 recovered pursuant to the preceeding sentence shall be
25 treated in the same manner as the recovery of third party

1 liability under section 1902(a)(25) of the Social Security
2 Act (42 U.S.C. 1396a(a)(25)).

3 (c) DEFINITIONS.—For purposes of this section:

4 (1) COVERED PART D DRUG.—The term “cov-
5 ered part D drug” has the meaning given such term
6 in section 1860D–2(e) of the Social Security Act (42
7 U.S.C. 1395w–102(e)).

8 (2) FULL-BENEFIT DUAL ELIGIBLE INDIVIDUAL.—The term “full-benefit dual eligible indi-
9 VIDUAL” has the meaning given such term in section
10 1935(c)(6) of the Social Security Act (42 U.S.C.
11 1396u–5(c)(6)).

12 (3) STATE.—The term “State” means each of
13 the 50 States and the District of Columbia.
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